

# Patty Berg



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## Dear Friends,

Well, the legislative year has begun – and things are already heating up. As always, I'm proud and grateful to be representing you in Sacramento, especially now that the challenges are so great and the stakes are so high.

We've heard the governor's assessment of the "state of the state," and we've seen his proposal to solve the ongoing budgetary imbalance. There are things that I like and things that I don't like.

As chairwoman of the Assembly Committee on Aging and Long-Term Care, as well as a long-time advocate for senior's issues, I'm pleased that some senior services have been well protected.

But I'm concerned about the number of ways in which seniors could be hurt if the governor's budget proposal were adopted "as-is."

It appears that seniors could lose supportive services, while at the same time having their tax burdens increased by about \$140 million a year.

I'm also concerned about education spending. We are a great state, but we may be risking the gains we've made in student performance, even as we fall farther behind on per-pupil spending.

Times of struggle are good times to think about our values. I, for one, value the efforts of the hard-working, middle-class families to put their children in good schools. And I want mothers and fathers who work to have a realistic expectation that an affordable college education awaits their sons and daughters.

There's no doubt that we must make difficult decisions in order to balance our budget. But we must also make a decision about whether we are a society willing to discount the promises we've made to our elders, or cast aside the dreams of the next generation.

**Patty Berg**  
**Assemblywoman, 1<sup>st</sup> District**

## Listening to the Public on Aid-in-Dying Measure

The public conversation on "death with dignity" has officially begun – although I'm sure many of you have already heard about it in the news.

Assemblyman Lloyd Levine and I plan on introducing a bill next month that would make California the second state in the nation – after Oregon – to allow mentally competent, terminally ill patients with less than six months to live, the right

to obtain a life-ending prescription.

We held a joint informational hearing with the Committee on Aging and Long-Term Care (which I chair) and the Judiciary Committee on Jan. 21 in the San Fernando Valley.

Almost 200 people attended the hearing.

Below, you'll find a transcript of my opening remarks at the hearing.

### *Opening Remarks to the Joint Hearing Jan. 21*

*Here's a transcription of my opening remarks from the Jan. 21 hearing.*

Good Morning everyone. I'm Assemblywoman Patty Berg, Chair of the Aging and Long Term Care Committee.

As you know, we're here because Assemblyman Lloyd Levine and I plan to introduce a bill that would give mentally competent, terminally-ill Californians, who have less than six months to live, the right to control their own deaths. We understand full well that this issue can elicit very strong emotions. And we respect that.

I would like to make clear at the beginning of this hearing what we are talking about in this bill ... and what we are NOT talking about in this bill.

Our measure will be closely modeled on Oregon's successful 'Death With Dignity Act,' passed by voters in 1996.

It is a compassionate measure that provides choice at the end one's life, with a long list of carefully crafted safeguards. It is patient-controlled from start to finish. No one may make this choice on a patient's behalf. No caretakers or family members may even serve as witnesses to the written request that a patient must make.

Two physicians must agree that the patient has less than six months to live. The patient must be found to be mentally competent, and must wait through a cooling-off period. No one may administer the prescription except the patient.

No doctor would ever be required to

write this prescription. This is not ... I repeat, this is absolutely not euthanasia, in which someone else makes the choice and imposes that choice on the individual. Neither is it assisted suicide, in which someone else assists the patient in hastening their own death.

I also want to make clear that hastening a death is not a new concept. It happens every day, and it has for generations. But, unlike the patient-controlled choice we are talking about in this bill, the current system can leave the patient out of the final decisions.

The current practice is called terminal sedation. A patient is given adequate pain medication, and then nutrition and hydration are withheld. It can take weeks for a patient to die in this manner.

It is our hope to give terminally-ill patients the ability to ease their own passing, and the comfort of knowing that the option is there for them.

In recent years, California has made great strides in addressing pain management and end-of-life care. But we can do more, we can respect and protect an individual's choice about their own death.

During today's hearing, we will hear from respected experts on the concerns of people with disabilities, and the distinctions between chronic and fatal diseases.

Before we begin, I would like to remind everyone that we are here to listen to each other, and to respect each other.

Thank you.

*In the first six years in which the Death With Dignity Act has been in effect in Oregon, fewer than 200 terminally ill patients ended their lives with the assistance allowed under the law.*

## Our Budget, Our Values, and Our Senior Citizens

A government budget is more than a collection of debits and credits, it's a statement of values, a roadmap to the soul of a people.

It's much the same with our budgets – or lack of budgets - at home. The things we buy or don't buy inform us about our values.

Even in the leanest times, most of us find ways to keep things that really matter to us, whether that's decent wine, cable, or a family vacation.

And that's where we find ourselves as a state – in the leanest of times. We're running a deficit, relying too heavily on borrowed money, and we've got to do something about it.

So what will we keep? And what will we let go? That's what we'll be hashing out over the next few months. It's not easy, and it probably shouldn't be. Real people's lives will be affected in real, and sometimes painful ways.

As chairwoman of the Assembly Committee on Aging and Long-Term Care, I'm keenly attuned to how the budget will affect our elders.

I have already made it clear that I'm concerned about some of the proposals in the governor's budget, especially those that I believe combine to increase their tax burden while at the same time reducing services.

The governor's budget would strip some middle-income seniors of their renters and homeowners tax credits, and reduce those benefit for others.

That means, seniors will have to pay \$140 million more in taxes than they have been paying. Now, I know that some people say this is not a tax increase, but its effect will be the same. And I'm troubled with a budget that sends a message of "soak the elderly."

The proposed budget also would reduce the wages of in-home care providers – the people who tend to the daily needs of the elderly and infirm. This program allows people to stay in their homes longer, and to avoid placement in much more expensive nursing homes.

Overall, the governor's budget proposal would reduce \$1.67 billion from health

and human services.

Reducing those wages, from somewhere around \$10 an hour down to minimum wage, the state could start a ripple effect through the counties and into the homes of older Californians. That's because many of those workers have existing wage agreements. So the state would essentially be leaving it up to the cash-strapped counties to either find the additional \$190 million to pay these workers, or to push elderly people out of the system.

The budget also would withhold from the poorest seniors a scheduled cost of living increase to their monthly stipend. The savings would be \$37 per dependent. It doesn't sound like a lot, but imagine it if you had to live on \$812 a month.

There are those who say the really difficult part about this proposal is that it involves taking not state dollars, but federal tax dollars away from our needy neighbors.

The budget also includes \$4 million to implement the "California Rx Program," which is the administration's approach to deal with the demand for affordable prescription drugs.

This program would allow uninsured families who meet certain income guidelines to use a government-sponsored website on which drug companies would post their offerings of various discounted products. The administration says that some families will be able to shave 40 percent off their prescription drug bills.

But it turns out that all of these discount programs already exist. There will be no new savings, only a new place for manufacturers to market them. The plan also offers no help to those who have any kind of insurance – whether a private plan or a government program.

Obviously, we can't sidestep the realities of our budget problem. We have to find ways to cut costs. And we will.

But in doing so, we are going to be declaring something very important about the kind of society that will be waiting for us when it's our turn to be old.

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*Older adults and persons with disabilities account for 25 percent of Medi-Cal beneficiaries, and 53 percent of expenditures.*

## Honoring Green Practices that are the Best Practices



*Patty Berg presents Michael Christian of American Hydroponics with an Assembly Resolution in Eureka earlier this month. American Hydroponics won the annual North Coast Green Entrepreneur Award.*

*It's a weighty issue, to be sure. According to the Kaiser Family Foundation, one in five Californians are overweight. That's the same as the national average.*

## State Reaches Settlement with Energy Firm on Overbilling

If your blood still boils when someone mentions the energy crisis and the billions of dollars that flowed out of our pockets and into the bank accounts of some large energy companies, here's a bit of welcome news.

The state came to a \$749.7 million settlement this month with Mirant Corporation to resolve allegations of price gouging and other unlawful conduct during the energy crisis of 2000 and 2001.

According to the Attorney General's Office, the money would compensate business and individuals for overcharges, and reduce the burden on PG&E ratepayers.

This is the ninth settlement that has come in the aftermath of the energy crisis. Those settlements have a combined value estimated at \$3.38 billion. Of that total, more than \$2.5 billion represents ratepayer relief.

## Coffee Break

### 1<sup>st</sup> District Places

M G B J I C R I S G I I X U Y  
Z E R O M X D F R A A R Z V T  
S T N J D Z R U C Q D K W I O  
X Y P D R E B G W Z E I D B J  
Y U F S O S G B W R L O A P X  
S T B H D C D A D I N I R T O  
S M I L W N I C O U O K D A I  
R E A N P O I N T A R E N A H  
P E T Q I T B U O S T V A U D  
H D A E F R C C A V E M M B W  
U X C S V Q T Q U J O B B M A  
K P R Y K S K F Z N O C W A Z  
I D A X J T S X O L R I T T T  
A N X C C G N S D B G G M P N  
H X Q A W K M T T E U R E K A

ARCATA  
BODEGA  
DELNORTE  
EUREKA  
HEALDSBURG  
HUMBOLDT  
MENDOCINO  
POINTARENA  
SONOMA  
TRINIDAD  
TRINITY  
UKIAH

Words can be written diagonally, bottom to top or backwards.